

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-4.1.3

DATE: 09/25/20

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SUPERSEDES: 01/08/13

SUBJECT: PROCESSING VIOLATIONS OF RELEASE AFTER HOURS

AUTHORITY: TEXAS GOVERNMENT CODE ANN. § 508.251, 508.252, 508.315, 508.317

PURPOSE: Provide instructions for processing after-hours violations of release for offenders to include those residing at a Residential Reentry Center (RRC) or Therapeutic Treatment Center (TTC) and offenders on Electronic Monitoring (EM) either Radio Frequency (RF) or Global Positioning Satellite (GPS). Provide instructions for processing violation reports, and ineligible release requests.

DEFINITION:

Normal Business Hours: 8:00 AM to 5:00 PM Monday thru Friday, excluding “all agencies closed holidays”.

PROCEDURES:

I. REASONS FOR WARRANT/SUMMONS ISSUANCE

The Region Warrant Specialist (RWS) - Program Specialist I (PS-I) may issue a warrant/summons for the following reasons:

- A. The offender was released from custody, however, was not eligible for release;
- B. The offender has been arrested for a new law violation(s);
- C. There is a self-authenticating document stating the offender violated a rule or condition of release; or
- D. There is evidence the offender has exhibited behavior that indicates the offender poses a threat to public safety.

II. ISSUANCE AND PUBLICATION OF A WARRANT/ SUMMONS

- A. If the information in the Offender Information Management System (OIMS) does not match the information provided by the facility, vendor software, or parole officer, the

RWS/PS-I staff shall make a diligent effort to verify the offender's identity, and ensure the reported information is accurate.

- B. Once the RWS/PS-I verifies a violation has occurred, and it meets the criteria for issuing a warrant/summons in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*, the RWS/PS-I may issue a warrant/summons in the OIMS.
- C. The RWS/PS-I must publish a warrant in the National Crime Information Center (NCIC)/Texas Crime Information Center (TCIC) databases.
- D. The Warrants Section Texas Law Enforcement Telecommunications Systems (TLETS) operators will complete the following:
 - 1. Include all available identifying information in the warrant relating to the offender, in accordance with PD/POP-4.1.6, *National Crime Information Center/Texas Crime Information Center/Extradition and Caution Determination*; and
 - 2. Confirm the warrant when offender is in custody.
- E. The parole officer shall investigate all after hours warrants and alerts within one (1) business day to determine if withdrawal, continuation, or requesting a warrant is the best course of action.

III. NEW RELEASES THAT ARE REQUIRED TO BE ELECTRONICALLY MONITORED

Upon release from the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID), Intermediate Sanction Facility (ISF), or Substance Abuse Felony Punishment Facility (SAFPF) to a Super-Intensive Supervision Program (SISP) or EM program caseload, the Huntsville Placement and Release Unit (HPRU) or ISF/SAFPF parole officer shall notify the Warrants Section via email. Notification shall include the transmitter serial number, date of release, time of departure, departure location, approved residence, telephone number of the residence, and the expected date and time of arrival.

- A. The PS-I will utilize the Daily Arrival Report that HPRU emails daily to identify the offender's scheduled arrival times at an RRC/TTC or private residence. Upon receipt of the Strategic Administrative Duty Officer (SADO) report each business day and within two (2) hours after the scheduled arrival time, the Command Center staff will contact the RRC/TTC or private residence, via telephone to determine if the offender has arrived. The parole officer will investigate all arrivals scheduled to occur prior to 5:00 PM to ensure the client has arrived.
 - 1. If the offender has not arrived and no exigent circumstances have been verified, a warrant shall be issued.
 - 2. If the offender has arrived, the Command Center staff will enter a contact in the OIMS indicating to whom the Command Center staff spoke to and that the offender was present at the RRC/TTC or private residence.

- B. The PS-I shall review the vendor software within two (2) hours after the estimated time of arrival at the residence. If the PS-I acquires additional information about arrival time, they must adjust the expected arrival time, and enter a contact in the OIMS and in the vendor software.
- C. If the parole officer or releasing officer did not enroll the offender in the vendor software, the PS-I will email the:
 - 1. Warrants Section Director;
 - 2. applicable Region Director (RD);
 - 3. Warrants Assistant Directors;
 - 4. applicable Assistant Region Director (ARD);
 - 5. Parole Officer IV (POIV) for the EM and SISP programs;
 - 6. applicable Parole Supervisor.
- D. If the PS-I makes contact with an offender who is enrolled in the vendor software, they are responsible for completing the following:
 - 1. Asking the offender if the releasing officer provided reporting instructions.
 - a. If provided reporting instructions, the PS-I will instruct the offender to remain inside the residence; or
 - b. If the releasing officer did not provide reporting instructions, the PS-I will instruct the offender to remain on home confinement until they speak with the parole officer and are provided further instructions.
 - 2. Creating home confinement parameters within the vendor software.
- E. If the PS-I does not make contact with an offender who is enrolled in the vendor software, they will review the vendor software to determine the following:
 - 1. Confirm the offender was released from TDCJ-CID, an ISF, or SAFPF.
 - a. If the offender has not arrived, the PS-I will complete the following:
 - i. Issue a warrant for RF offenders.
 - ii. View the GPS points for GPS offenders to determine the offender is in route to the approved residence or if there are deviations.
 - 1. If the offender is in route, the PS-I will complete the following:

- a. Estimate the expected arrival time of the offender to the residence:
 - b. Notify the assigned DPO via email of the delay and expected time of arrival.
 - c. Monitor the offender's GPS points until arrival at the approved residence; and
 - d. Attempt to contact the offender once they arrive at their approved residence.
2. If the offender is not in route to the approved residence, the PS-I will complete the following:
- a. Attempt to verify if there is a legitimate cause for the route deviation by contacting the following:
 - i. Family;
 - ii. Sponsor; and/or
 - iii. The commercial bus line.
 - b. If there is a legitimate cause for the route deviation, the PS-I will complete the following:
 - i. Allow more time for the arrival of the offender to the residence;
 - ii. Monitor the offender's GPS points until arrival at the approved residence; and,
 - iii. Attempt to contact the offender once they arrive at their approved residence.
 - c. If there is not a legitimate cause for the route deviation, the PS-I shall issue a warrant.

IV. PROCESSING ELECTRONIC MONITORING ALERTS

The PS-I shall monitor the vendor software and process RF/GPS alerts as follows:

A. Offender no longer monitored

1. Upon receipt of alerts that identify the bracelet strap has been tampered with or the device will not connect to the other equipment (anything identifying the offender is no longer being monitored), the PS-I will complete the following

within two (2) hours:

- a. Contact the RRC or TTC if applicable and have the facility staff confirm the offender's bracelet is intact, on the other offender's ankle, and within range of the equipment (if applicable). The PS-I will document the collateral contact in the OIMS. If confirmed, the PS-I will not issue a warrant.
 - b. Issue a warrant if the bracelet is not confirmed intact or the offender does not live in an RRC or TTC.
- B. All other alerts
1. Verify alert by checking the offender's schedule.
 2. Contact the RRC/TTC if applicable or available phone numbers in the vendor software and the OIMS.
 3. If the PS-I is unable to make contact with the offender, unable to verify the location of the offender in the vendor software, and the alert has not cleared, the PS-I shall issue a warrant.
- C. Upon receipt of an alert identifying the offender is in an unapproved area, the PS-I will complete the following within two (2) hours:
1. Attempt to contact the offender;
 2. Document the attempt(s) to obtain an offender's statement and enter the offender's statement in the OIMS Contacts Screen; and
 3. Issue a warrant if the alert does not clear and notify local law enforcement regardless of the offender's statement.
- D. The PS-I will document warrant issuance in the vendor software and the OIMS Violations Section.
- E. The OIMS will send an automatic email to the appropriate Parole Division staff notifying them a warrant has been issued.
- F. Within one (1) business day, the parole officer will complete a full investigation of all alerts generated during the after-hours period to determine validity, whether a warrant was issued or not.
- G. The PS-I will run the reports that identify the bracelet strap has been tampered with or the device will not connect to the other equipment (anything identifying the offender is no longer being monitored) and address all findings, in the vendor software and in the OIMS, at 5:00 PM to identify any alerts not addressed prior to 1:00 PM that day, and again at 8:00 PM for any alerts still active.

V. CONTRACTED RRC OR TTC FACILITY VIOLATIONS

A. The RRC or TTC shall submit a completed Violation Review on Facility form (SSS-76) via email to warrant.command@tdcj.texas.gov. The SSS-76 shall contain the following information:

1. Offender name and SID/TDCJ number;
2. Facility name;
3. Facility telephone number;
4. Reporting staff member name and title;
5. Type of violation;
6. Detailed description of the violation, including the violation date and time;
7. Documentation of agencies/institutions the facility contacted in an attempt to locate the offender;
8. The incident report; and
9. All witness statements.

B. Upon receipt of the SSS-76, the PS-I shall complete the following:

1. Review the SSS-76 to determine if the report meets the warrant/summons issuance criteria in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.
 - a. If the request does not meet the requirements for issuing a warrant/summons, the PS-I will indicate the following information on the SSS-76.
 - i. A warrant/summons will not be issued;
 - ii. The facility shall allow the offender to return or remain on the facility; and,
 - iii. The PS-I will send notice via email the violation to the offender's parole officer before leaving for the day.
 - b. If the request meets the requirements for issuing a warrant/summons, the PS-I shall issue a warrant/summons and indicate the information on the SSS-76.

1. Return the SSS-76 with the warrant decision within one (1) hour to the sending facility, parole officer, unit supervisor, and parole supervisor via email.
2. The supervising parole officer must review all facility violations within one (1) business day and take appropriate action.

VI. VIOLATION REPORTS RECEIVED AFTER-HOURS

RWS/PS-I will process violation reports received after-hours, holidays, and weekends in accordance with PD/POP-4.1.1, *Processing Violations of the Rules and Conditions of Release*.

Rene Hinojosa
Director, Parole Division